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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE Edward J. Negola 10/669,200 09/24/2003 1702-001P/FLS 2654 22831 04/30/2004 EXAMINER 7590 SCHWEITZER CORNMAN GROSS & BONDELL LLP EINSMANN, MARGARET V 292 MADISON AVENUE - 19th FLOOR ART UNIT PAPER NUMBER NEW YORK, NY 10017 1751

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	A Prodice Na	A1:4/->
· · · · · ·	Application No.	Applicant(s)
Office Action Summary	10/669,200	NEGOLA, EDWARD J.
	Examiner	Art Unit
	Margaret Einsmann	1751
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPI THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, however, may a reply be tin ply within the statutory minimum of thirty (30) day I will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on	·	
2a) This action is FINAL . 2b) This	is action is non-final.	
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-18 are subject to restriction and/or	awn from consideration.	
Application Papers		
9) The specification is objected to by the Examin	er.	
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. Its have been received in Applicationity documents have been received in the control of the control o	on No ed in this National Stage
Attachment(s)		
1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	5) Notice of Informal F 6) Other:	atent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-2, drawn to a knitted, woven or non-woven fabric, classified in class 8, subclass 529.
- II. Claims 3-6, drawn to a continuous filament yarn having a core and a sheath, classified in class 442, various subclasses.
- III. Claims 7,8, drawn to a continuous filament yarn, classified in class 442, various subclasses.
- IV. Claims 9, 11, 13-16, drawn to a spun yarn that is a blend of polyester and disperse dyeable olefin, classified in class 428 and 442, various subclasses.
- V. Claims 10 and 12, drawn to a spun yarn or fiber blend of nylon and disperse dyeable olefin, classified in class 442, various subclasses.
- VI. Claims 17 and 18, drawn to a melt blend fiber or filament yarn, classified in class 428 and 442, various subclasses.

The inventions are distinct, each from the other because of the following reasons:

All of the inventions are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are distinct fibers or blends of fibers. For

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example a blend of olefin and nylon is patentably distinct from a blend of olefin and polyester or from a blend of olefin/olefin as claimed since they have been formed from distinct polymeric materials. A sheath-core fiber is patentably distinct from a melt blend fiber since, being made by a different process they are expected to have different properties.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 29, 2004

Margaret Einsmann Primary Examiner Art Unit 1751